## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:08cv206
(3:05cr79)

ALVIN EUGENE McSWAIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

3:08cv206
(3:05cr79)

ORDER

THIS MATTER comes before the Court upon the Petitioner's Application to Proceed In Forma Pauperis, which was attached to his Motion to Vacate. (Doc. No. 1).

Petitioner requests that this Court allow him to proceed without paying the filing fee associated with a motion to vacate. A motion to vacate, however, does not require a filing fee.

IT IS, THEREFORE, ORDERED that Petitioner's Application to Proceed <u>In Forma</u>

Pauperis is **DENIED** as moot.

Signed: June 24, 2008

Robert J. Conrad, Jr.

Chief United States District Judge